

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARGARET VONHAGN,

Plaintiff,

DECISION AND ORDER

06-CV-6469L

v.

CORNING INCORPORATED,
THE CORNING INCORPORATED
BENEFITS COMMITTEE,
SYNCHRONY INTEGRATED DISABILITY
SERVICES, INC.,
METROPOLITAN LIFE INSURANCE CO., INC.,
a/k/a Metlife,

Defendants.

On October 31, 2007, which was the deadline for dispositive motions in this matter pursuant to the governing Scheduling Order, defendants Corning Incorporated and the Corning Incorporated Benefits Committee (collectively “Corning”) filed a timely motion for summary judgment. (Dkt #13).

On December 28, 2007, plaintiff initiated the filing of a cross-motion for summary judgment (Dkt. #22). Corning has objected to the timeliness of plaintiff’s cross-motion, since it was not filed until after the Scheduling Order’s deadline for “all dispositive motions” had expired. However, plaintiff’s cross-motion is primarily a response to Corning’s dispositive motion, the deadline for which is not specifically delineated or addressed by the governing Scheduling Order. As such, I

deem plaintiff's motion to be timely. Responses and replies on that motion will be governed by the Court's Motion Scheduling Order for plaintiff's cross-motion, dated January 2, 2008 (Dkt. #29).

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 8, 2008.